

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

FS MEDICAL SUPPLIES, LLC,

Plaintiff,

v.

TANNERGAP, INC., *et al.*,

Defendants.

Civil Action Nos.
3:21-CV-501-RJC-WCM
3:23-CV-598-RJC-WCM

**PLAINTIFF'S NOTICE OF SUPPLEMENTAL INFORMATION
REGARDING ITS MOTION TO COMPEL PRODUCTION OF ESI
FROM JONATHAN BRACEY'S MOBILE PHONE**

On July 18, 2024, Plaintiff filed a motion to compel production of ESI from Jonathan Bracey, a key executive of the Defendants who refuses to provide the ESI on his mobile phone for production in this matter. On August 15, 2024, the motion was fully briefed. Jonathan Bracey is a resident of London, United Kingdom.

The parties have agreed that the deposition of Jonathan Bracey will be held in London on September 24, 2024, in approximately four weeks. Plaintiff initially proposed taking Mr. Bracey's deposition earlier, but Defendants' counsel had difficulty scheduling the deposition. Plaintiff's counsel has noticed the deposition for September 24 and booked prepaid travel arrangements. (Plaintiff has noticed the deposition of a second witness in London for the following day.)

The parties have also agreed to conduct additional depositions on September 30, October 1, October 14-16 in Charlotte; and September 10 and October 29 in California. The parties are also endeavoring to schedule expert depositions during September and October. The parties are working cooperatively to schedule depositions to maintain the Court's Scheduling Order in this case.

Plaintiff does not presume to know the timing on the Court's ruling on the motion to compel or presume that the Court will order Defendants to produce the requested ESI. However, given the burden of arranging two international depositions, Plaintiff respectfully requests the Court provide its ruling on the motion to compel sufficiently in advance of September 24 to provide time for Defendants to produce the ESI before the deposition. Alternatively, Plaintiff will have to schedule a follow-up deposition, increasing the cost and burden on all parties. For these reasons, Plaintiff respectfully provides this notice to request the Court's assistance with the efficient administration of justice.

THIS the 27th day of August, 2024.

/s/ Kent A. Yalowitz

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